

From: jstein@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:32pm
Subject: Microsoft Settlement

To: The Honourable Renata B. Hesse:
Judge of the Antitrust Division
U.S. Department of Justice
microsoft.atr@usdoj.gov

Subject: Microsoft Settlement

Dear Madam Justice Hesse,

I am not pleased with the settlement proposed between the DOJ and Microsoft. Microsoft claims that the consumer was not harmed by their actions. I disagree. At one time I had a choice about the Operating System that came with my computer. I also could choose the Word Processor, Spreadsheet and Database applications. I chose to use IBM's OS/2 operating system and Lotus SmartSuite for OS/2. Because of Microsoft's monopolistic practices, my choices have been, for all practical purposes, been reduced to Microsoft OS's and Microsoft applications (Microsoft Office). Most major OEM's preload these on any new computer that I buy. I will have to pay extra to get something else. Because of Microsoft's monopolistic practices, my investments of time and money in OS/2 based products have been rendered to zero value---a loss that has been unfairly placed upon me.

As shown in the "Findings of Fact", Sections 115 thru 132, "In sum, from 1994 to 1997 Microsoft consistently pressured IBM to reduce its support for software products that competed with Microsoft's offerings, and it used its monopoly power in the market for Intel-compatible PC operating systems to punish IBM for its refusal to cooperate. Whereas, in the case of Netscape, Microsoft tried to induce a company to move its business away from offering software that could weaken the applications barrier to entry, Microsoft's primary concern with IBM was to reduce the firm's support for software products that competed directly with Microsoft's most profitable products, namely Windows and Office".

I and many others had chosen to use OS/2 and Lotus SmartSuite for OS/2. We did this for very good reasons, especially OS/2's technically superior design. (See Note at end of letter). Not only did Microsoft cause IBM to cease marketing these products, Microsoft caused IBM to cease using these products in their own offices. How can you sell a product that you don't use yourself? (See "Findings of Fact", Sec. 118: "Specifically, the PC Company would receive an \$8 reduction in the per-copy royalty for Windows 95 if it mentioned no other operating systems in advertisements for IBM

PCs, adopted Windows 95 as the standard operating system for its employees, and ensured that it was shipping Windows 95 pre-installed on at least fifty percent of its PCs two months after the release of Windows 95". The "Findings of Facts", Sec. 116 tells us "When IBM refused to abate the promotion of those of its own products that competed with Windows and Office, Microsoft punished the IBM PC Company with higher prices, a late license for Windows 95, and the withholding of technical and marketing support".

I do not think a fair settlement can be reached until Microsoft makes right the harm done to me and many others. Today, we have to accept Microsoft's poor quality products. Where is Word Perfect and Lotus SmartSuite today? Microsoft has caused to exist an environment in which they control the profitability of competing products. If a company can't get their product pre-installed on a new computer, it can't afford to develop it. And Microsoft makes sure that its products run better on its operating systems by denying competitors information (API's) necessary to build competitive products.

Recently there has come forth increased concern that the proposed settlement contained many loopholes and exceptions. Serious questions have been raised about the scope, enforceability and effectiveness of the proposed settlement. Please reconsider the current settlement terms so that competitors have a more even playing field in which to compete with Microsoft. This is the only way that I, as a consumer, can choose what software and operating systems are best for me without having to be, at the very least, penalized by much higher costs and being worried abnormally about the survivability of products that compete with Microsoft.

Note concerning the design of OS/2 versus Windows:

From an article entitled "The Big Blue-Redmond Connection" by Diane Gartner in IQ Newsletter -- Issue #7, January 2000 found at:
http://209.0.210.17/IQN/7-2000jan/iqn7-Blue-Redmond_Connexion.html

"Big Blue's OS/2 team had discovered that the Microsoft approach of placing the Graphic Device Interface (GDI) plus the Graphic User Interface (GUI) into the kernel was a disastrous mistake that led to instability: any little application "bug" or glitch that would affect the interface also could affect the underlying OS and bring it down to a crash. Microsoft was informed of this danger by IBM, but insisted that their approach gave an important benefit of speed by allowing applications to access the kernel directly--yes, even if it were at the cost of stability. The IBM programmers maintained that such instability was needless, and the crash could be easily prevented; their solution was to separate and protect the OS/2 kernel, without having to sacrifice any speed whatsoever. In fact, IBM independently made that very simple but crucial design improvement, among other innovations, which together have lent stability

as well as power to OS/2 ever since the days of version 1.30".

"But how did Microsoft react? For reasons we may never be able to fathom, they balked at the very notion of correcting the design error. Whether it was due to obstinacy, vanity or perhaps envy toward IBM's OS/2 programmers, Microsoft's decision was to leave the programming flaw where it was, and ultimately, to leave the team".

"Version numbering aside, the changes made by Microsoft to NT did not include the architectural improvements made by IBM to OS/2. Instead of removing the GDI and GUI from the kernal to keep it clean 'n' lean like OS/2's, Microsoft actually added more code to the kernal of NT. The ever-increasing bloat has not done NT a bit of good. Instability still occurs today in NT versions 3.5x and 4.x and presumably in Windows 2000. The design flaw is now often referred to as a Ring 0 crash, because that spot is where the GDI and GUI are intertwined in NT. Many application programming errors are made in that area because Microsoft neglects to provide third-party developers with essential information on how to avoid the problem".

Sincerely,

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